

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA *

vs. *

CASE NO.: 98-176-05 (JAF)

SAMUEL ARCE-LEON *

**MOTION NOTIFYING VIOLATION OF SUPERVISED RELEASE CONDITIONS,
REQUEST FOR ARREST WARRANT
AND
TOLLING OF TIME**

**TO THE HONORABLE JOSE ANTONIO FUSTE, CHIEF
U.S. DISTRICT JUDGE
DISTRICT OF PUERTO RICO**

COMES NOW, Norma Rivera-Rochet, United States Probation Officer of this Honorable Court, presenting an official report upon the conduct and attitude of releasee, Samuel Arce-León, who on June 24th 1999, was sentenced by Your Honor to time served and five (5) years on supervised release for Conspiracy to possess with intent to distribute one (1) kilogram of heroin, over one (1) pound of marihuana and in excess of five (5) kilograms of cocaine. The one hundred dollars (\$100) imposed special monetary assessment as well as the forty thousand dollar (\$40,000) fine imposed in this case were satisfied. The Court also ordered that if urine samples detected substance abuse, the defendant, at the discretion of the Probation Department, participate in substance abuse treatment, arranged and approved by the U.S. Probation Officer. The defendant was ordered not to commit any crimes, federal, state or local. In addition to ordering financial disclosure, the offender was ordered to refrain from possessing firearms, destructive

devices and other dangerous weapons. Unlawful possession of controlled substances was prohibited.

Upon release from a local detainer on March 26, 2001, the offender began the service of the term of supervised release as well as the service of a local supervision term.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

1. VIOLATION OF ADDITIONAL STANDARD CONDITIONS OF SUPERVISION: -

“The defendant shall not commit any crimes, federal, state, or local...”

On or about March 2005, a federal officer contacted the U.S. Probation Officer and reported that the offender had been arrested by local law enforcement authorities and charged with violation of the local firearms laws. During telephonic communication with the offender on the same date of his arrest, he admitted to this U.S. Probation Officer that he was in possession of a firearm as charged by the local authorities. He advised that having been a victim of a near fatal shooting, (offender received multiple bullet wounds on or about September 2004), placed him in a high risk situation and he needed to protect himself. Hence, the offender has been victim to various shooting incidents, one of which resulted in his again being injured along with his adolescent son who received near fatal bullet injuries placing him in intensive care. The referenced shootings are indicative that the aborted attempts on offender's life place him and those who have any dealings with him in an extremely high security risk.

As a result of the new local firearms related charges, the offender is facing revocation of his local term of supervision term in the Ponce Court. The referenced new charges may also expose the offender to face new federal charges.

Wherefore, it is respectfully requested and prayed that the Court consider the information herein and based on same toll the supervised release time, (scheduled to expire on March 25, 2006), issue an arrest warrant, and have the offender brought before the Court to determine if his term of supervised release is to be revoked. Thereupon, Mr. Samuel Arce-León to be dealt with pursuant to law.

In San Juan, Puerto Rico, this 8th day of June, 2005.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF
U.S. PROBATION OFFICER

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CERTIFICATE OF SERVICE

I HEREBY certify that on June 8th , 2005, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: U.S. Attorney Humberto García, Esq.; and defense counsel, Irma Valldejuli-Pérez.

In San Juan, Puerto Rico, June 8th , 2005.

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NRR/evn